Attorney's Docket: 44573-45929

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT of: Kurt Kolb et al. Confirmation No: 2961

Patent No.: 7,203,630 Group Art Unit: 2128

Issued: April 10, 2007 Examiner: JONES, HUGH M

Title: AIRCRAFT FLIGHT DATA MANAGEMENT SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION
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I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at 571-273-8300 on the date shown below:

Certificate of Service
Request for *Ex Parte* Reexamination Transmittal Form
Attachment to Form PTO/SB/57
Form PTO-1449 and cited Reference

Barnes & Thornburg LLP

August 6, 2007

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Attorney's Docket: 44573-45929

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CERTIFICATION OF SERVICE

A copy of the REEXAMINATION STATEMENT (37 CFR 1.510(b)(1)) AND EXPLANATION (37 CFR 1.510(b)(2)) has been served on the patentee of U.S. Patent No. 7,203,630 by U.S. Postal Service, International Registered Mail™ service on August 6, 2007 through counsel of record, Edward Yoo C/O Bennett Jones, 1000 ATCO Centre, 10035 - 105 Street, Edmonton, Alberta AB T5J3T2.

Barnes & Thornburg LLP

August 6, 2007

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PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
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(Also referred to as FORM PTO-1465)

REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORM

Address to:
Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.:

Date: August 6, 2007

1. [X] This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 7,203,630 issued April 10, 2007. The request is made by:

   [ ] patent owner. [X] third party requester.

2. [X] The name and address of the person requesting reexamination is:

   CHRISTINE H. MCCARTHY
   BARNES & THORNBURG LLP
   750 17 th Street, N.W. Suite 900
   Washington, DC 20006-4675

3. [ ] a. A check in the amount of $_____ is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(1);

   [X] b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 02-1010 (submit duplicative copy for fee processing); or

   [ ] c. Payment by credit card. Form PTO-2038 is attached.

4. [X] Any refund should be made by [ ] check or [X] credit to Deposit Account No. 02-1010. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.

5. [X] A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4)

6. [ ] CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
   [ ] Landscape Table on CD

7. [ ] Nucleotide and/or Amino Acid Sequence Submission
   If applicable, items a. – c. are required.

   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:

      i. [ ] CD-ROM (2 copies) or CD-R (2 copies); or
      ii. [ ] paper

   c. [ ] Statements verifying identity of above copies

8. [ ] A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.

9. [X] Reexamination of claim(s) 1-10 is requested.

10. [X] A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.

11. [ ] An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

12. [X] The attached detailed request includes at least the following items:

a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1)
b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2)

13. [ ] A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e)

14. [X] a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).
The name and address of the party served and the date of service are:

EDWARD YOO C/O BENNETT JONES
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Yoo, Edward
Reg.# 41435
780-917-5231

Date of Service: _____; or

[ ] b. A duplicate copy is enclosed since service on patent owner was not possible.

15. Correspondence Address: Direct all communication about the reexamination to:

[X] The address associated with Customer Number: 23646

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16. [ ] The patent is currently the subject of the following concurrent proceeding(s):
[ ] a. Copending reissue Application No. _____.
[ ] b. Copending reexamination Control No. _____.
[ ] c. Copending Interference No. _____.
[ ] d. Copending litigation styled:

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Authorized Signature — August 6, 2007 (Date)

CHRISTINE H. MCCARTHY (Typed/Printed Name) — 41844 (Registration No.)

[ ] For Patent Owner Requester
[XX] For Third Party Requester

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE PATENT OF KOLB et al.

U.S. PATENT NO: 7,203,630

ISSUED: April 10, 2007

FOR: AIRCRAFT FLIGHT DATA MANAGEMENT SYSTEM

Request for Reexamination
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attachment to Form PTO/SB/57

Sir:

Reexamination under 35 U.S.C. 302- 307 and 37 CFR 1.510 is requested of United States patent number 7,203,630 (see copy attached) which issued on April 10, 2007, to Kurt Kolb et al. This patent is still enforceable.

I. Claims for which reexamination is requested:

Reexamination is requested of claims 1-10 of the Kolb et al patent in view of U.S. Pat. 7,113,852, that document being listed on the attached Information Disclosure Statement Form 1449 and a copy being attached.

II. Explanation of pertinence and manner of applying cited prior art to every claim for which reexamination is requested based on prior art:

Claims of U.S. 7,203,630	U.S. 7,113,852	Quoted Language of U.S. 7,113,852
1. An aircraft data transmission system comprising:	See Figure 1 and accompanying text at col. 3, line 55-column 4, line 16.	"FIG. 1 illustrates one implementation of a transportation vehicle monitoring and feedback system designed in accordance with the at least one embodiment of the invention and implemented in a transportation vehicle that is an aircraft. As shown in FIG. 1, a base-station 110 communicates with a transportation vehicle 120, in this instance an aircraft, via at least one satellite 130 and an antenna 140. . . For instance, when implemented with transportation vehicles 120 that are aircraft or other airborne vehicles, ACARS may be used to provide that data transmission links necessary to provide communication between the transportation vehicle 120 and the base-station 110."
(a) means for monitoring and collecting aircraft data;	See Figure 2, on-vehicle component 1200 and sub-components described at column 5, line 62-column 8, line 4 (in particular, column 7, lines 3-24).	"The controller 1240 controls operation and co-operation of the operational memory 1220, transportation vehicle data bus interface 1230, processor 1250, auxiliary sensors 1260, memory buffer storage system 1270 and transceiver unit 1280. The processor 1250 works with the controller 1240 to control operation and co-operation of the other elements 1220, 1230 and 1250-1280. In co-operation with the controller 1240, the processor 1250 fetches instructions from the operational memory 1220 and decodes them, which may cause the processor 1250 to transfer data from the operational memory 1220, to perform data reduction techniques and/or encryption to data provided by the transportation vehicle data bus 1210 via the interface 1230, or to store such data in the memory buffer storage system 1270 or transmit it via the transceiver unit 1280.. . . More specifically, when the embodiments of the invention are implemented in an aircraft, such sensors may monitor engine operation, weight or motion in wheel assemblages of the aircraft, etc., e.g., to determine when data sensing, storage and transmission should begin. Similarly, the controller 1240 may control the

		on-vehicle component 1200 to cease data sensing, storage and transmission based on information from such sensors, by manual control of a vehicle operator or base-station personnel, etc. . . ."
(b) means for formatting the data or a portion of the data as a binary or text file;	See Claim 11 and column 11, lines 35-54.	"In accordance with at least one embodiment of the invention, transmission of data between the transportation vehicle(s) and base station(s) may be packet based. A packet may be thought of as the unit of data that is routed between an origin and a destination on a network, e.g., the Internet. The packet may be thought of as a chunk of a data file divided up to an efficient size for routing. Each of these packets is separately numbered and includes an address, for example, an Internet Protocol address, of the destination. . . . The terms "packet" and "datagram" are similar in meaning. A protocol similar to TCP, the User Datagram Protocol(UDP) uses the term datagram and may also be used in an embodiment of the invention to provide communication between the transportation vehicle(s) and the base station(s)."
(c) means for incorporating the binary or text file into an email message;	See column 10, lines 54-59 and description of transceiver 1110 illustrated in Fig. 3, and described in corresponding text at column 14, line 65 column 15, line 11.	"The transceiver 1110 provides the software and hardware for interfacing with the antenna 140 illustrated in FIG. 1. . . .Feedback data transmission may be performed using conventionally understood methods, for example, utilizing ACARS-VHF, the Internet, WAP, and/or satellite transmission."
(d) means for transmitting the email; and	Transceiver unit 1280 illustrated in Figure 2 and operating under	"The transceiver unit 1280 is a combination transmitter/receiver and may be implemented, for example, using various communications technology such as wireless technology, including cellular telephony, radio, etc. It may be preferable for the transceiver to have full duplex capability, that is, the

	control of controller 1240 as described in corresponding text at column 10, lines 54-59.	ability to transmit and receive simultaneously."
(e) communication means for carrying the email transmission to a ground station.	See column 10, lines 54-59 and description of transceiver 1110 illustrated in Fig. 3, and described in corresponding text at column 14, line 65 column 15, line 11.	?The transceiver 1110 provides the software and hardware for interfacing with the antenna 140 illustrated in FIG. 1. Similarly to the transceiver unit 1280, the transceiver 1110 may be implemented, for example, using various communications technology such as wireless technology including, e.g., cellular telephony, radio, etc. It may be preferable for the transceiver 1110 to be configured to provide full duplex capability, that is, the ability to transmit and receive over antenna 140 simultaneously. Additionally, data transmission rates shall be dependent on the communications medium and available signal quality. Feedback data transmission may be performed using conventionally understood methods, for example, utilizing ACARS-VHF, the Internet, WAP, and/or satellite transmission."
2. The system of claim 1 further comprising a GPS receiver.	See vehicle positioning receiver 540 illustrated in Figure 5 and described at column 26, line 26 through column 27, line 6.	"In accordance with at least one embodiment of the invention, the monitoring and feedback system may utilize GPS technology to accurately identify a position of a transportation vehicle(s) continuously, periodically and/or upon an explicit request to do so. Further, in at least one implementation, at least one of the on-vehicle component and the base station component receives information about a position of the transportation vehicle. See, for example, the vehicle positioning information receiver 540 illustrated in FIG. 5."
3. The system of claim 2 wherein the communication means comprises a satellite	See Figure 1 and corresponding textual description at column 3, line 57	"FIG. 1 illustrates one implementation of a transportation vehicle monitoring and feedback system designed in accordance with the at least one embodiment of the invention and implemented in a transportation vehicle that is an aircraft. As shown in FIG. 1, a base-station 110

modem and transceiver.	through column 4, line 50.	communicates with a transportation vehicle 120, in this instance an aircraft, via at least one satellite 130 and an antenna 140. The transportation vehicle 120 communicates with the satellite 130 via a transmission link 150 that may be, for example, a radio-frequency communication link, conventionally understood in the satellite communication industry. The satellite 130 communicates with the antenna 140, which may be, for example, a land-based transceiver, via a communication link 160, which may be, for example, a radio-frequency communication link. The antenna 140 communicates with the base-station 110 via a communication link 170, which may be, for example, a radio-frequency communication link, a cable, a wireless link, a communication path on the Internet, an Intranet and/or any public or private network. Data transmission from the transportation vehicle 120 to the base-station 110 may be performed using any of various alternative transmission formats and technologies to provide the constituent transmission links 150 170. For instance, when implemented with transportation vehicles 120 that are aircraft or other airborne vehicles, ACARS may be used to provide that data transmission links necessary to provide communication between the transportation vehicle 120 and the base-station 110. . . Although conventional use of airborne broadband applications is still experimental, there is good reason to believe that such communication methodologies will soon be certified by regulatory organizations. The use of Low Earth Orbit (LEO) satellite telephony is also possible through the use of certified aircraft applications, e.g., Collins.RTM. Satcom facility. It is also foreseeable that Wireless Application Protocol (WAP) may be utilized to provide communication links between base-stations and transportation vehicles, as an extension of broadband application with enhanced portal facilities."
4. The system of claim 1 wherein the means for	Figure 2 and illustrated	"The transportation vehicle data bus interface 1230 provides an interface between the transportation vehicle data bus 1210 and the on-vehicle

monitoring and collecting aircraft data comprises at least one aircraft databus interface.	component 1230 and corresponding textual description at column 6, lines 28-37.	component 1200. It should be appreciated that the transportation vehicle data bus interface may provide an interface with a transportation vehicle data recorder, if one is present on the transportation vehicle and to sensors that conventionally provide information to meters within the operator area of the transportation vehicle, e.g., the cockpit."
5. The system of claim 4 wherein the means for monitoring and collecting aircraft data further comprises at least one discrete input interface.	See claims 27 and 49 and column 24, lines 4-17.	"In accordance with at least one embodiment of the invention, the on-board component includes a network, e.g., a local area network or virtual area network, which allows, for example, cooperation, communication and interaction of components of the on-board component, including sensors and interfaces, as well as other on-board equipment."
6. The system of claim 1 wherein the binary or text file comprises a summary of the aircraft data or a portion of the aircraft data.	Claim 5, column 12, line 57 through column 13, line 36.	"Moreover, data may be compressed using conventional data reduction technologies that transmit only a delta or change in a data parameter rather than resending the data parameter itself. Such technologies may be particularly beneficial for implementation by the on-vehicle component 1200 for transmitting, for example, video data. . . . In accordance with at least one embodiment of the invention, monitoring data may be transmitted to the base station(s), at which analysis is performed to determine, for example, whether the vehicle is operating under acceptable and/or expected conditions. Alternatively, data may be pre-processed on the transportation vehicle(s) so that only data associated with operational parameters that have not been met are transmitted to the base station. In such a situation, the transportation vehicle may transmit data that indicates operational characteristics that have been identified. . . . Such an embodiment may provide a reduced necessity to compress data because the amount of data transmitted to the base station(s) would be reduced."
7. The system of claim 6 wherein the means for	Column 11, line 35 through column 12,	"In accordance with at least one embodiment of the invention, the data communicated with the transportation vehicles is encrypted, i.e., the data is

formatting the data or a portion of the data as a binary or text file comprises means for encrypting the binary or text file.	line 31.	converted into a form, called a ciphertext, that cannot be easily understood by unauthorized people, prior to transmission of the data. Subsequently, following reception of the data at either the transportation vehicle(s) or the base station(s), the data is decrypted, i.e., converting the encrypted data back into its original form, so it can be understood. In accordance with at least one embodiment, the data is encrypted using an encryption algorithm that is specific to the monitoring and feedback system, for example, a symmetric algorithm (same key for encryption and decryption) using block encryption (see block cipher) of 128 bits in size, supporting key sizes of 128, 192 and 256 bits. . ."
8. The system of claim 1 wherein the means for monitoring and collecting data comprises random access memory and a removeable non-volatile memory.	See column 6, lines 12-24.	"As illustrated in FIG. 2, the operational memory 1220 can be implemented using any appropriate combination of alterable, volatile or non-volatile memory or non-alterable, or fixed, memory. Any alterable memory, whether volatile or non-volatile, can be implemented using any one or more of static or dynamic RAM, a floppy disk and disk drive, a writable or re-rewritable optical disk and disk drive, a hard drive, flash memory or the like. Similarly, any non-alterable or fixed memory can be implemented using any one or more of ROM, PROM, EPROM, EEPROM, an optical ROM disk, such as a CD-ROM or DVD-ROM disk, and disk drive or the like."
9. The system of claim 8 wherein the removeable non-volatile memory comprises a solid-state memory card.	See claim 25, Figure 2 and column 6, lines 12-24.	". . . Any alterable memory, whether volatile or non-volatile, can be implemented using any one or more of static or dynamic RAM, a floppy disk and disk drive, a writable or re-rewritable optical disk and disk drive, a hard drive, flash memory or the like. . ." As is known in the art, "flash memory" is a special form of solid-state, non-volatile EEPROM.
10. The system of claim 1	See, column 19, line	"In accordance with at least one embodiment of the invention, the

further comprising a rules database comprising a plurality of aircraft data conditions and related actions,	19 through column 20, line 49.	monitoring and feedback system may also include a database of rules developed in part and/or used by Artificial Intelligence (AI) in the form of an expert system incorporated in the transportation vehicle monitoring, feedback and control system to create a system that may automatically respond to or display helpful assistance to event(s) that have occurred based on archived information indicating at least one previous occurrence of the event(s) and the action(s) that were previously taken in response. For example, the archived information may include information indicating a past occurrence of a particular event or set of events and the action or set of actions that were initiated by a pilot of the same transportation vehicle, type of transportation vehicle, or a similar transportation vehicle, to successfully respond to that event or set of events. . . . "
means for monitoring aircraft data and comparing aircraft data to the rules database.	See, column 19, line 19 through column 20, line 49.	In accordance with at least one embodiment of the invention, the monitoring and feedback system may also include a database of rules developed in part and/or used by Artificial Intelligence (AI) in the form of an expert system incorporated in the transportation vehicle monitoring, feedback and control system to create a system that may automatically respond to or display helpful assistance to event(s) that have occurred based on archived information indicating at least one previous occurrence of the event(s) and the action(s) that were previously taken in response. . . . Further, the event or set of events need not be completely identical to a previous event or set of events. Rather, the previous event or set of events need only be sufficiently similar to be relevant. One measure of similarity may be provided by determining how many factors are variable in the present scenario and determining how many of the variable factors have identical or sufficiently similar values. A determination of whether a variable factor has a present value that is sufficiently similar to a past value may be made be comparing the present value with the past value to determine whether the present value is within a predetermined acceptable variation range from the past value. For example, if the variable factor is

		20,000 feet altitude, a predetermined acceptable variation range may be 19,500 to 20,500 feet altitude. Therefore, if archived scenario information indicates a scenario in which the altitude is 20,000 feet, than a present value of the altitude should be between 19,500 and 20,500 feet to be deemed sufficiently similar to the previous value of 20,000 feet for the purposes of determining similarity of scenario. . . ."

III. Statement pointing out substantially new question of patentability:

The prior art document, U.S. 7,113,852, and also listed on the attached form, were not considered during prosecution of the Kolb et al. patent. However, as explained above, U.S. 7,113,852 teaches all features recited in the issued claims of the Kolb et al. patent. Therefore, U.S. 7,113,852 anticipates the claims of the Kolb patent under 35 U.S.C. 102, rendering them invalid. As a result, a substantial new question of patentability is raised.

This request is accompanied by the fee for requesting reexamination set in § 1.20(c)(1).

Please charge any and all fees associated with the submission of this paper to Deposit Account Number 021010. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

Barnes & Thornburg LLP

By:_____

Christine H. McCarthy
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August 6, 2007

CHM

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet | of

Complete if Known	
Application Number	7,203,630
Filing Date	April 10, 2007
First Named Inventor	Kurt Kolb et al.
Art Unit	2128
Examiner Name	JONES, HUGH M
Attorney Docket Number	44573-45929

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 7,113,852 B2	09-26-2006	KAPADIA et al.	
		US-			
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